

Court of Appeals, State of Michigan

ORDER

People of MI v Ricardo Dunson

Docket No. 285832

LC No. 08-001919

Kirsten Frank Kelly
Presiding Judge

Kurtis T. Wilder

Christopher M. Murray
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the June 5, 2008, order of the Wayne County Circuit Court is REVERSED. Evidence of flight, including running from the police, is probative because it may indicate consciousness of guilt, and therefore is admissible. *People v Coleman*, 210 Mich App 1, 4; 532 NW2d 885 (1995). The fact that defendant may, as a result of the evidence, choose to testify is not a basis for precluding the evidence. See *People v Wyngaard*, 462 Mich 659, 672; 614 NW2d 143 (2000). Accordingly, the trial court abused its discretion in denying the prosecution's motion to admit the flight evidence. *Coleman, supra*.

The motion for peremptory reversal under MCR 7.211(C)(4) is DENIED as moot.

The motion to waive the requirement of filing the transcript is GRANTED.

The motion for stay is DENIED.

Pursuant to MCR 7.215(F)(2), this Court further directs that this order shall take immediate effect. The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 09 2008

Date

Sandra Schultz Mengel
Chief Clerk